

Rye City Planning Commission Minutes

November 12, 2002

PRESENT:

Michael W. Klemens, Chairman
Peter Larr, Vice-Chairman
Hugh Greechan
Martha Monserrate
Barbara Cummings

ABSENT:

Franklin Chu

ALSO PRESENT:

Christian K. Miller, AICP, City Planner
Nicholas Hodnett, CC/AC Chairman

Chairman Klemens called the regular meeting to order in the Council Hearing Room of the City Hall and noted that a quorum was present to conduct official business.

I. HEARINGS

1. Ann Lane Subdivision

Chairman Klemens read the public notice.

Linda Whitehead (applicant's attorney) provided an overview of the project. She noted that the application involves a 4-lot subdivision on an approximately 2-acre property located at 14 Ann Lane. Ms. Whitehead noted that the property currently includes an old carriage house, which was once part of a larger estate. She noted the distressed condition of the carriage house and the lack of maintenance on the property. Ms. Whitehead explained that access to the proposed 4 lots would be from Ann Lane, which would be extended onto the applicant's property, and a new cul-de-sac provided. The existing cul-de-sac pavement on Ann Lane would be removed and yard areas and driveways restored.

Ms. Whitehead described the proposed subdivision noting that each of the 4 lots would range in size from 0.37- to 0.47-acres. She noted that the size and configuration of the proposed lots would be consistent with the Ann Lane neighborhood and that disturbance to the slope on the rear two properties would be avoided. Ms. Whitehead explained that alternative plans have been provided at the request of the Planning Commission showing the rear access easement extending from the end of Ann Lane to the school property abutting the rear of the applicant's property.

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1
2 Chuck Utschig (applicant's engineer) provided an overview of the engineering aspects
3 related to the proposed subdivision. He noted that sewer service currently exists in Ann
4 Lane and that such service would be used by the proposed 4-lot subdivision. Mr. Utschig
5 noted that existing sewer service from the adjacent synagogue extends onto the applicant's
6 property and also serves as sewer service for the existing carriage house. Mr. Utschig
7 noted that he had been in contact with representatives of the synagogue and that they were
8 working towards a plan to relocate the synagogue's sewer line without disruption to their
9 sewer service.

10
11 Mr. Utschig explained that water service would be provided by extending existing water
12 service lines within Ann Lane. The new storm water drainage line would be provided in
13 Ann Lane to address storm water runoff from the proposed extension of Ann Lane and the
14 impervious area associated with the development on the proposed 4 lots. The new
15 drainage line would extend from the applicant's property down Ann Lane to Forest Avenue.
16 Catch basins would be provided on Ann Lane. Mr. Utschig noted that currently Ann Lane
17 does not have a storm water drainage system. Mr. Utschig also noted that each lot would
18 be provided with on-site drywells, which had been relocated further away from the slope on
19 the rear of the property to address the City Engineer's comments.

20
21 Mr. Utschig provided an overview of the extent of steep slope on the property. He noted
22 that most steep slope in excess of 25% would not be disturbed. Mr. Utschig noted that
23 disturbance to steep slopes had been avoided with the design of retaining walls of
24 approximately 4 feet in height.

25
26 Mr. Utschig concluded his presentation by noting that there were no wetlands on the
27 property and that existing water and gas service, which comes to the carriage house on the
28 property from the adjacent synagogue will be discontinued and capped.

29
30 Richard Papert (4 Ellis Court resident) questioned the design of the proposed subdivision
31 including the relationship of the existing carriage house to the westerly property line. He
32 also questioned to what extent would the 40-foot setback from the western property line be
33 enforced to prevent further steep slope disturbances by future property owners. Mr. Papert
34 noted that the height of the proposed buildings would be tall relative to his property, which
35 is located below the applicant's property. Mr. Papert noted concern with the proposed
36 pedestrian access easement and the visual impact and privacy concerns that could have
37 on his property. Mr. Papert also noted concerns with the proposed drainage plan and
38 questioned whether all storm water runoff, particularly those going to subsurface drywells,
39 would provide suitable protection for downhill residences on Ellis Court.

40
41 Chuck Utschig responded to Mr. Papert's comments noting that the proposed subdivision
42 would potentially reduce storm water runoff to downhill properties since it would include a

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1 new drainage system, which would capture storm water runoff and divert it to a new storm
2 water drainage system located in Ann Lane and extending to Forest Avenue. Mr. Utschig
3 noted that only a portion of drainage from lots 2 and 3 would not be diverted to this new
4 system and that this drainage would be directed to subsurface drywells. Mr. Utschig also
5 noted that the extent of impervious area on the property would be reduced from .05 acres
6 to approximately 0.3 acres. The City Planner added that the maximum size of the homes
7 could be approximately 3,000-4,000 square feet based on a 0.25 FAR permitted by the R-
8 3 District. The City Planner also noted the applicants reference to house size on the plans
9 was incorrect.

10
11 Judy Studebaker (8 Ann Lane resident) requested that the city review and confirm the
12 location of unknown utilities on the property. She indicated that in conversations with the
13 Building Inspector that there was a pipe on the property that was not reflected on the plans.
14 Ms. Studebaker noted that a storm drainage system should be provided to avoid off-site
15 storm water impacts. She noted that Ann Lane currently experiences drainage problems
16 during some rain events. Ms. Studebaker questioned whether a grass median could be
17 provided in the center of the proposed new cul-de-sac. Ms. Studebaker noted concern
18 about the loss of vegetation on the property and impacts that could have on existing
19 wildlife. Finally, Ms. Studebaker expressed concern regarding the proposed pedestrian
20 access easement. She noted that such easement could be potentially dangerous for
21 children.

22
23 Ms. Whitehead responded to Ms. Studebaker's remarks by noting that the City's
24 Subdivision Regulations do not permit the construction of medians in the center of cul-de-
25 sacs. She also noted that the existing property has not been properly maintained and that
26 many of the trees noted on the tree preservation plan are in poor condition.

27
28 John Clout (7 Ellis Court resident) noted concern about impacts to the steep slopes on the
29 westerly property line. He also noted concern with the impact of the loss of vegetation have
30 on drainage on downhill properties on Ellis Court.

31
32 Ann O'Connell (12 Ann Lane resident) provided the Commission with a petition signed by
33 residents of Ann Lane objecting to the proposed pedestrian access easement to the
34 adjacent Midland School. Ms. O'Connell suggested providing an access easement in this
35 location will not solve the school district's larger traffic congestion problems. She
36 suggested that the traffic problems would be better solved by busing or installation of more
37 sidewalks in the neighborhood. Ms. O'Connell noted that parents would use the end of Ann
38 Lane as an alternative drop-off and pick-up site for children attending Midland School. She
39 noted that a similar condition occurs at the end of Eve Lane. Ms. O'Connell noted that a
40 cul-de-sac should remain a dead-end street rather a busy thoroughfare created by the
41 attraction of a new pedestrian easement. She also noted concern with the impact of
42 potential installation of lights along the easement for safety purposes.

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Beth Jamison (6 Ann Lane resident) spoke in opposition to the proposed pedestrian access easement.

Marta Kottia (9 Ann Lane property owner) indicated opposition to the proposed access easement and provided the Commission a signed petition of opposition.

Ann Murphy (11 Ann Lane resident) spoke about her concern for the proposed access easement and the impact it could have on abutting neighbors. She noted that her property has been used in the past as a cut-through for children attending Midland School or other people accessing Midland Road. Sometimes this included "odd characters". Ms. Murphy also noted concern with Ann Lane being transformed into a drop-off and pick-up area similar to that she has witnesses on Eve Lane.

Ellen Boyle (7 Ann Lane resident) echoed the opposition of her neighbors to the proposed pedestrian access easement at the end of Ann Lane. She noted that she is one of the few families on Ann Lane that have children that attend Midland School, but she would not allow her children to use such easement due to safety concerns. She noted that the additional traffic that would burden Ann Lane would not be worth the perceived benefit to neighborhood children.

Greg O'Connell (12 Ann Lane resident) noted that the proposed access easement was not a part of the applicant's proposal but appeared to be the suggestion of a specific Commission member. Mr. O'Connell noted that Commission Member Larr introduced the access easement concept. Mr. O'Connell questioned Mr. Larr's motivations and speculated that his suggestion for the easement was for the benefit of friends and neighbors in his neighborhood located on the east side of Forest Avenue. Mr. O'Connell suggested that such alleged motivations would be a conflict of interest and should be reviewed for consistency with the City's conflict of interest rules.

The Commission responded that Mr. Larr's suggestion was not a conflict of interest and that it represented the Commission's effort to consider community-wide benefits associated with specific land development applications. The Commission noted that it was their responsibility to consider alternative public-improvement options in connection with land development applications where appropriate.

ACTION:

On a motion made by Peter Larr, seconded by Barbara Cummings and carried by the following vote:

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1 AYES: Michael Klemens, Peter Larr, Barbara Cummings, Hugh Greechan, Martha
2 Monserrate

3 NAYS: None

4 RECUSED: None

5 ABSENT: Franklin Chu

6
7 **ACTION:** the Planning Commission took the following action:

8
9 The Commission closed the public hearing on Preliminary Subdivision and Coastal
10 Consistency Application SUB#277.

11 12 **2. Barber (Philips Lane)**

13
14 Chairman Klemens reads the public notice.

15
16 Janet Giris (applicant's attorney) provided an overview of the application. Ms. Giris noted
17 that the application involves the removal and reconstruction of a single-family home within
18 the 100-foot wetland buffer to Long Island Sound. She noted that the application had been
19 revised in response to the Planning Commission's comments last March to reduce the
20 extent of wetland buffer encroachment. She noted that the prior application involved
21 approximately 2,300 square feet of wetland buffer disturbance, which had been reduced to
22 approximately 800 square feet. Ms. Giris noted that the existing home consists of 787
23 square feet of floor area within the 100-foot buffer.

24
25 Ms. Giris provided an overview of the proposed mitigation plan noting that over 1,600
26 square feet of wetland planted area is proposed to be provided. She also indicated that
27 the storm water drainage system had been revised to include a sand drain/gravel system
28 as recommended by the Planning Commission at its last meeting. Ms. Giris also noted
29 that the plans had been revised to provide grasscrete and gravel within the driveway in the
30 front of the house to reduce the amount of impervious area property.

31
32 Ms. Giris indicated that there had been a meeting with the Butlers, who live adjacent to the
33 applicant's property and that revised plans will be submitted to address the storm water
34 drainage concerns of the neighbors. She indicated that the applicant's engineer will
35 include a plan that provides for new grading and a drainage system to address potential
36 offsite storm water impacts on the Butlers' property. She also indicated that she had
37 provided assurances to the Butlers that no windows would be provided on the side of the
38 proposed house facing their property. Ms. Giris indicated that consideration of the
39 applicant's submission should be deferred until such time as the new plans have been
40 submitted for the Planning Commission's review.

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1 Nancy Talifero (the Butlers' attorney) indicated that her clients were concerned about the
2 off-site storm water drainage impacts that the proposed new house could have on the
3 Butler's property. Ms. Talifero requested that a new grading plan be provided for the
4 Planning Commission's consideration and that the public hearing be kept open until such
5 time as the additional information has been provided.

6
7 Richard Horsman (the Butlers' landscape architect) provided written comments to the
8 Commission for their consideration. Mr. Horsman indicated that a grading plan should be
9 provided and that appropriate measures be implemented to prevent damage to trees and
10 shrubs along the Butler/Barber property line.

11
12 Robert Butler (10 Philips Lane resident) indicated that he and his wife were generally in
13 support of the proposed new home. He indicated that his primary concern was the impact
14 the proposed driveway and house construction could have on drainage on their property.
15 Mr. Butler noted that storm water currently drains from his property across the Barber
16 property to a catch basin that drains directly to Long Island Sound. Mr. Butler indicated that
17 he wanted appropriate assurances that new development would not impede this flow.

18
19 **ACTION:** The Commission kept the public hearing on Wetland Permit (WP#108) open
20 and continued the hearing to its next meeting on December 10, 2002.

21 22 3. Powers

23
24 Chairman Klemens read the public notice.

25
26 Jerry Marcel (applicant's architect) indicated that the project involves a construction of a
27 16-foot by 21-foot addition to an existing home. Mr. Marcel indicated that the rear building
28 addition would result in the construction of a structure within a 100-foot wetland buffer. Mr.
29 Marcel noted that the wetland mitigation plan proposes wetland plantings in the rear of the
30 property to compensate for the increase in impervious area on the property by a ratio 2:1.

31
32 There were no public comments.

33
34 On a motion made by Peter Larr and seconded by Barbara Cummings, and carried by the
35 following vote:

36
37 AYES: Michael Klemens, Peter Larr, Barbara Cummings, Hugh Greechan, Martha
38 Monserrate
39 NAYS: None
40 RECUSED: None
41 ABSENT: Franklin Chu
42

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the Planning Commission took the following action:

ACTION: the Planning Commission closed the public hearing on Wetland Permit Application #WP118.

II. ITEMS PENDING ACTION

1. Ann Lane Subdivision

The Planning Commission noted that the comment raised in the public hearing regarding Mr. Larr's comments with respect to the proposed alternative pedestrian access easement to the property did not reflect a conflict of interest. The Commission noted that many of its members noted that the pedestrian easement had enough merit and potential public benefit that it was worthy of consideration. The Commission noted that, however, given the extent of public comment and the likelihood for the end of Ann Lane being transformed into a traffic depot than a pedestrian accessway did not make it a desirable concept. The Commission also noted concern with the potential liability of the proposed steps that would be necessary for the accessway. The Commission agreed that the proposed walkway should not be provided.

The Commission discussed the proposed application and some of its impacts with respect to storm water drainage and steep slope disturbance. The Commission discussed whether reducing the number of lots from the proposed 4 to 3 or possibly 2 lots would reduce these impacts. Chuck Utschig (applicant's engineer) responded that shifting the location of proposed homes had further reduced steep slope disturbance and the extent of disturbance to slopes over 25% was minimal. Mr. Utschig also indicated that the proposed drainage system would reduce storm water flows to downhill neighbors as compared to existing conditions. Mr. Utschig suggested that this reduction was achieved through the implementation of a storm water drainage system, which would intercept storm water that currently travels downhill towards properties along Ellis Court. This intercepted storm water would be diverted to a storm water system in Ann Lane, which ultimately connects to an existing system located in Forest Avenue.

The City Planner noted that the Planning Commission should consider the potential for additional steep slope disturbances from future property owners seeking to modify the property to include retaining walls, building additions or other accessory structures. To address this concern, Linda Whitehead (applicant's attorney) volunteered to impose a deed restriction on the rear two lots to prohibit future construction and steep slope disturbances. The City Planner recommended that the language be drafted such that it allow for appropriate landscaping to be provided given that landscaping would not only provide a possible visual enhancement but also prevent erosion.

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1
2 The Commission questioned whether the applicant should provide additional mitigation
3 measures to address water quality impacts associated with storm water from the extended
4 roadway and lot development. The City Planner noted that it was his understanding that the
5 storm water drainage system had been reviewed by the City Engineer who found the
6 proposed system acceptable. The City Planner noted that the on-site drywells for each lot
7 would provide some water quality benefit. He further cautioned, however, that some of the
8 newer structural technologies used to address water quality concerns require considerable
9 maintenance to operate effectively. The City Planner noted that such maintenance might
10 not be realistically achievable particularly if it is not something that the City's Department of
11 Public Works is experienced with.

12
13 The Planning Commission discussed the proposed the relocation of utilities that extend
14 from the adjacent synagogue property to the carriage house on the applicant's property.
15 Mr. Utschig said that he had been in contact with the synagogue representatives to discuss
16 the relocation and that it would be done so in such a way so as not to disrupt sewer service
17 to the synagogue. Floyd Kaplan (synagogue member) indicated that he was working with
18 the applicant's engineers to develop an appropriate sewer relocation plan.

19
20 The Planning Commission discussed the comments of Diane Moran regarding the
21 possible historic preservation and adaptive reuse of the existing carriage house. The
22 Commission noted that the existing condition of the carriage house was severely
23 deteriorated and likely not restorable. The Commission also noted that the structure has
24 not been land-marked by the City Council but requested the applicant to contact the
25 Historical Society to offer them the opportunity to review the contents of the carriage house
26 and determine whether there were any items of historical significance. Ms. Whitehead
27 indicated that she would contact the Historical Society.

2. Barber (Philips Lane)

28
29
30
31 The Planning Commission discussed the design of the proposed drainage system
32 indicating that the intent of the system is to provide water quality treatment of the first flush
33 of storm water. The Commission indicated that the system involves a combination of a
34 sand filter with catch basins. The Commission accepted the proposed catch basin and
35 piping system to address potential off-site storm water impacts on the Butler property.

36
37 The Commission discussed the extent of tree removal on the side property line and
38 considered the comments of the Board of Architectural Review (BAR) regarding the loss of
39 the two oak trees in the front yard. The Commission noted that the loss of the trees would
40 be acceptable since it would allow greater setback of the proposed home from Long Island
41 Sound and a larger wetland buffer. The Commission requested that appropriate tree

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1 protection measures be provided particularly to address the possible tree impacts on the
2 adjacent Butler property.

3
4 The Planning Commission requested the applicant to clarify whether there was any
5 proposed fill within 100-year flood zone and whether the porch in the rear of the house was
6 included in the impervious area/wetland mitigation calculation. Janet Giris indicated that
7 there was no fill proposed within a flood zone and that the rear porch had been included
8 and mitigated for in the calculations of impervious area.

10 3. Powers

11
12 The Committee reviewed and discussed the proposed mitigation plan and found the
13 proposed plant material acceptable.

14
15 The Planning Commission discussed amending the draft resolution of approval to extend
16 the expiration provision from one to two years. Nicholas Hodnett indicated that a two-year
17 extension was likely not permitted by the City Wetlands Law. The City Planner reviewed
18 the City's Wetland Law and confirmed Mr. Hodnett's recollection; however he indicated
19 that, simultaneous with an approval the Commission could, if it desired, grant a one-year
20 extension of time which would be consistent with the law. It was consensus of the
21 Commission, however, to limit the expiration provision in the resolution to one year.

22
23 On a motion made by Peter Larr, and seconded by Barbara Cummings and carried by the
24 following vote:

25
26 AYES: Michael Klemens, Peter Larr, Barbara Cummings, Martha Monserrate, Hugh
27 Greechan
28 NAYS: None
29 RECUSED: None
30 ABSENT: Franklin Chu

31
32 the Planning Commission took the following action:

33
34 **ACTION:** The Planning Commision conditionally approved Wetland Permit Application
35 #WP118.

37 4. Walker Subdivision

38
39 The Planning Commission reviewed the applicant's Environmental Assessment Form
40 (EAF), Coastal Assessment Form and LWRP Consistency Application Form. In it's
41 review, the Commission specifically noted that questions #10 and #12 on the form should

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1 be revised to explain the application's consistency with LWRP policies. The current
2 response of "not applicable" is not acceptable.

3
4 The Planning Commission questioned whether an area along the southwest corner of the
5 property was a wetland. Beth Evans (applicant's environmental consultant) indicated that
6 she reviewed this area and determined that it was not a wetland area. She noted that it
7 was an area with shallow bedrock and overland water flow that the Commission likely
8 witnessed at the site walk.

9
10 The Planning Commission noted concern with the proposed driveway extending from
11 Manursing Way. The Commission noted the proximity of the roadway to the Edith Reed
12 Sanctuary and the adjacent wetland. The Commission also expressed concern with the
13 extent of tree loss and grading that would be required for the proposed driveway.

14
15 Beth Evans responded that the area where the driveway was proposed appears to be an
16 old traveled way, which minimizes its potential environmental impact. Ms. Evans noted
17 that the driveway would be located along the top of the slope and that impacts to the
18 adjacent wetland would be minimized with the use of gravel and other similar pervious
19 material. The City Planner noted concern with the use of gravel due to its potential for
20 washout and erosion.

21
22 The Planning Commission noted concern with the proposed driveway particularly given that
23 an alternative location for access appeared available from Forest Avenue. Linda
24 Whitehead (applicant's attorney) responded that extending the driveway from Forest
25 Avenue had a significant economic impact on the marketability of the existing home on the
26 property. The Planning Commission requested that before it can render a decision on the
27 preferred driveway alignment that the applicant needed to provide more information as to
28 the feasibility and suitability of a driveway extending from Forest Avenue. The Commission
29 noted that this information is important particularly given the potential for precedent that
30 could be set by the Planning Commission's decision. The Planning Commission noted
31 that the City Wetlands Law requires that it avoid wetland buffer impacts where alternatives
32 are available. Ms. Whitehead responded that she will provide the Planning Commission
33 with the requested information, but noted that due to economic considerations, the
34 application may need to be revised to reflect a 3-lot subdivision if driveway access is from
35 Forest Avenue.

5. 2 School Street

36
37
38
39 The Commission reviewed the applicant's plans and noted that the proposed detached
40 garage was not shifted 6 feet from the eastern property line as requested at its last
41 meeting. Linda Whitehead (applicant's attorney) responded that a cross-section had been
42 provided to show the relationship of the proposed garage to the home on the adjacent

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1 Larkin property. Ms. Whitehead noted that the proposed garage would not be significantly
2 taller than the existing detached garage in the same location and that it would not impact
3 light and air concerns on the adjacent Larkin property. Ms. Whitehead also noted that the
4 applicant's property is located within the City's B-2 Business District which permits
5 business uses at significantly greater intensity than that proposed by the applicant. Ms.
6 Whitehead noted that the adjacent Larkin property is a single-family residence which is not
7 permitted in the B-2 District.

8
9 The Planning Commission noted that it preferred the applicant to shift the garage at least 6
10 feet from the side property line to address the concerns raised by Ms. Larkin at the public
11 hearing. The Commission also noted concern with the size of the detached garage and
12 questioned why the applicant could not provide storage needs within the existing building
13 on the property. The Commission also noted concern with the loss of the existing tree on
14 the property and requested that an arborist review it with respect to its health.

15
16 David Mooney (applicant's architect) responded that a portion of the existing tree was in a
17 deteriorated condition. Ms. Whitehead responded that storage could be provided within
18 the existing home but that the structure would need to be larger. She also noted that the
19 storage within the garage would be contained within the pitched roof. The City Planner
20 noted that it was not the applicant's storage need that was necessitating the need for the
21 garage but rather off-street parking. The City Planner noted that the zoning code required
22 no parking for the proposed use but that the applicant was providing 4 spaces. To provide
23 such parking minimum dimensions for access and parking layout are required that force
24 development to the perimeter property lines and rear of the property.

25
26 The Commission discussed relocating the detached garage so that it was potentially 2 or 3
27 feet from the Larkin property line. Ms. Whitehead objected and suggested that the
28 Commission approve her plan without the detached garage. She noted concern that her
29 client needed to initiate construction as soon as possible so that a foundation can be
30 constructed before the winter. Mr. Mooney noted that the Rye City Zoning Code requires at
31 least a 6-foot building setback for the detached garage. Ms. Whitehead and Mr. Mooney
32 agreed to modify the plan to provide that setback as a condition of approval.

33
34 On a motion made by Peter Larr and seconded by Martha Monserrate and carried by the
35 following vote:

36
37 AYES: Michael Klemens, Peter Larr, Barbara Cummings, Martha Monserrate, Hugh
38 Greechan
39 NAYS: None
40 RECUSED: None
41 ABSENT: Franklin Chu
42

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The Planning Commission took the following action:

ACTION: the Planning Commission conditionally approved the Modified Site Plan Application #SP228A, with a condition that the applicant modify the plans to shift the garage so that it is at least 6 feet from the eastern property line.

6. Walden Lane Subdivision

The Commission reviewed the tree preservation plan requested that the applicant further amend its plan to preserve tree nos. 17 and 18. Tony Spencer (applicant) noted that such tree reservation did not appear possible and that he had already amended the plan to save trees #21, #15 and #7. After considerable discussion, the Commission agreed to allow tree #18 to be removed but noted that tree #17 must be preserved.

On a motion made by Peter Larr motioned and seconded by Hugh Greechan and carried by the following vote:

AYES: Michael Klemens, Peter Larr, Barbara Cummings, Martha Monserrate, Hugh Greechan
NAYS: None
RECUSED: None
ABSENT: Franklin Chu

the Planning Commission took the following action:

ACTION: The Planning Commission adopted a negative declaration of environmental significance under SEQRA, adopted a finding that the application was consistent with the City's Local Waterfront Revitalization Program and conditionally approved the Final Subdivision Application #SUB275.

7. Beechwind Properties, LLC

The Planning Commission reviewed the draft memorandum prepared by the City Planner, summarizing the Planning Commission's recommendation to the Zoning Board of Appeals. The Planning Commission found the revised memorandum acceptable, but requested that an additional conclusion paragraph be provided that indicates that the application would be considered consistent with the Rye City Local Waterfront Revitalization Program provided that it achieved the following:

1. Public access to the water be provided;
2. The existing historic structure, (known as the Gedney Store), be preserved; and

